

**CITY COUNCIL MEETING
MINUTES
February 1, 2022**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Salimi called the Regular Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov. Code § 87105.

A. COUNCILMEMBERS PRESENT

Vincent Salimi, Mayor
Devin Murphy, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Anthony Tave, Council Member
Maureen Toms, Council Member

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Maria Picazo, Recreation Manager
Chris Wynkoop, Fire Chief
Markisha Guillory, Finance Director
Lilly Whalen, Community Development Director
Sanjay Mishra, Public Works Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, January 27, 2022 at 4:00 p.m. with all legally required written notices. Written comments were received and had been posted to the agenda page of the City's website and distributed to the City Council in advance of the meeting. A revised report for Item 8G had been published after the posting of the agenda.

Following an inquiry, City Attorney Eric Casher reported that Mayor Salimi intended to abstain from participating in the discussion for Item 11A, Recommended Next Steps for the Faria House. Pursuant to Government Code Section 87103, a public official was prohibited from participating in governmental decisions that may have a material financial effect on their real property interest. Fair Political Practices (FPPC) Regulation 18702.2 provided that if a public official resided in a property or owned a property that was within 500 feet of a governmental decision, there was the potential for a material financial effect.

The proximity of the real property interest of Mayor Salimi had been measured and was found to be within 500 feet of the Faria House. No exceptions applied in this case given the potential discussion of specific uses for the Faria House, which was the basis for the Mayor's abstention and recusal from participating in the discussion for Item 11A.

4. CONVENE TO A CLOSED SESSION

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, City Attorney Eric Casher, Human Resources Director Stacy Shell and Gregory Ramirez (IEDA)

Employee Organization: PPEA

PUBLIC COMMENTS OPENED

Deputy City Clerk Roxane Stone advised there were no comments from the public.

PUBLIC COMMENTS CLOSED

5. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

At 5:36 p.m., Mayor Salimi reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.

Christy Lam-Julian, Pinole, thanked the Mayor for responding to an e-mail she had submitted and for his advocacy in reaching out to the West Contra Costa Unified School District (WCCUSD) Board of Trustees to support a multi-use room for Shannon Elementary School.

Cameron Sasai, Pinole, reported he had spoken with Councilmembers about anti-Asian and Anti-Black hate crimes in the community, and how it had affected him, his family and the Pinole community.

Mr. Sasai emphasized that hate crimes were an ongoing problem but the City Council had made no progress on this issue even when many Councilmembers had campaigned on public safety. He urged the immediate prioritization of public safety for those who needed it the most and a clear and working framework for hate crime and prevention in the City of Pinole for all vulnerable communities.

Mr. Sasai also commented on the potential new housing development proposed on Fitzgerald Drive and the misinformation in the community from those opposed to the project. He emphasized the need for more housing in Pinole for people of all incomes and the creation of more transit rich neighborhoods. He asked that the City Council consider an Inclusionary Housing Ordinance which required a percentage of units in all new housing developments to be made affordable and that Pinole follow Contra Costa County's lead by requiring all new development to consist of all electricity and no natural gas, which was also consistent with state efforts for abundant, affordable and sustainable clean energy housing.

Tammera Campbell, Pinole, Founding Member of Pinole 4 Fair Government, comprised of ordinary citizens working for inclusion, communication, and a better Pinole encouraged public participation in local government to help build a stronger and more resilient city. Pinole 4 Fair Government was working towards ensuring a democracy where people could be heard. Given the current political climate, lies were occurring in the City and she emphasized that Pinole for Fair Government had never taken an official position of opposition to the Pinole History Museum, but had questioned the use of public funds to support a project that may not be able to sustain itself without the continued and ongoing use of future public funds. As such, she stated that information in the public to the contrary was a lie.

Ms. Campbell thanked the previous speaker for raising the concepts of affordable housing and statements in the public about being exclusive. She also spoke to future conversations on the use of American Rescue Plan Act (ARPA) funds and the City's budget, in which discussions she planned to participate. She hoped those discussions would include the reopening of Fire Station No.74, the potential for partnership with Verizon Wireless and AT&T to provide fiber optics in the community, and the deferred maintenance of the heavily used Senior Center. In addition, Pinole TV needed new equipment. She asked for more discussion around the use of the ARPA funds.

Rafael Menis, Pinole, reported on the statistics of the Omicron variant in Pinole which was on the decline but the variant remained incredibly infectious and was substantially more dangerous to the unvaccinated and un-boosted. He encouraged everyone to be vaccinated, get their booster shots and continue to wear appropriate masks in and outdoors.

Debbie Long, Pinole, suggested the City was in violation of the Public Records Act regarding a public records request she had submitted to the City on January 11, 2022, related to a request for information on the 223-unit apartment housing development to be constructed on the current Kmart site in the Pinole Vista Shopping Center. Pursuant to the requirements of the Public Records Act, the City had 10 days to reply to the request or notify the requester of the need to take an additional 14 days. She had followed up on her request on January 23, 2022 but had received no additional response from City staff and efforts to contact the Planning Department had been unsuccessful. After contacting the Mayor she had been informed that some City staff were out with COVID-19. She had contacted the City Clerk this date and had been informed the City was asserting its need for an extension due to key staff being absent with a response to her Public Records Act request anticipated to be provided by February 8, 2022.

Ms. Long pointed out her request for information was information that was readily available to staff, should have been readily available to the public within minutes, and once City staff knew they were out of compliance they should have begun e-mailing the information. If the City could not manage the simplest of tasks, she encouraged the City Council to look to a third party to perform those duties. She emphasized that the Public Records Act was an important step in the City being transparent. She asked that City Hall be reopened and the City stop hiding behind COVID-19. She otherwise commented that no one was against affordable housing but housing placed in the middle of a shopping center was inappropriate, and she suggested there were other sites in the community more appropriate for such housing.

Jane Cole, Pinole, commented on her involvement with the Tuolumne County Historical Society Museum in the City of Sonoma and her familiarity with the donation of historical items to that museum, which had a central focus for Sonoma. The Tuolumne County Historical Society Museum held numerous events and activities in the community. In terms of the Faria House, residents had waited a long time for it to be a museum and a focal point for Pinole. As a retired teacher, field trips to a Pinole Historical Museum would benefit local school children. The Faria House had been the City's "heart" and she urged the City Council to support the project.

Mayor Salimi clarified that the Faria House would be discussed as part of Item 11A. Public comments under Citizens to be Heard were for items that were not on the meeting agenda.

Anthony Vossbrink, Pinole, speaking on behalf of other friends and neighbors in the community and striving for a better Pinole, inquired on the status of the Pinole Valley caretakers' house which had been vacant for months. He commented on the number of incidences of vandalism in the area including the removal of signage near the dog park, a number of car break-ins along Adobe Road, the fact the trail behind the caretakers' home had a massive breach that had yet to be repaired, and another breach on Pinole Valley Creek behind Trader Joes'.

7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
 - 1. Black History Month

The City Council read into the record a proclamation recognizing Black History Month and emphasized the importance of the proclamation and Black History Month.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, found the proclamation and its recognition of numerous City staff and members of the Council to be an honor.

Tammera Campbell, Pinole, thanked the City Council for the heartwarming words in the proclamation and the recognition of many individuals as a great way to start Black History Month.

PUBLIC COMMENTS CLOSED

- B. Presentations / Recognitions

None

8. CONSENT CALENDAR

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.

- A. Approve the Minutes of the January 18, 2022 Meeting.
- B. Receive the January 15, 2022 – January 28, 2022 List of Warrants in the Amount of \$202,937.56 and the January 21, 2022 Payroll in the Amount of \$465,358.69
- C. Resolution Confirming the Existence of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Adopt a Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Michael Baker International (MBI) for Preparation of Housing and Safety Element Updates and a New Environmental Justice Element for \$481,360 And Amending the FY 2021/22 Budget **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- E. Approve Revisions to Council Procedures **[Action: Adopt Resolution per Staff Recommendation (Bell)]**
- F. Designate the Human Resources Director as the City's Board Member to the Municipal Pooling Authority (MPA) and the Finance Director as the Alternate Board Member **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- G. Approve an Amendment to Extend the Term of the Employment Agreement for the City Manager **[Action: Adopt Resolution per Staff Recommendation (Shell)]**

Regarding Item 8G, Mayor Salimi reported that pursuant to Government Code Section 54953 (C)(3), he was required to report out that Item 8G was a recommendation to authorize an amendment to extend the term of the Employment Agreement for the City Manager to December 31, 2024. There would be no fiscal impact as a result of the adoption of the resolution.

Council member Toms requested the following revision to the second sentence of Section 6. Agenda Preparation, as shown on Page 94 of 369, of Attachment A of Item 8E, as follows:

Items may include those requested as future agenda items by the City Council, those needed by City staff to carry out City functions, and proclamations/presentations requested by local jurisdictions or non-profits.

Mayor Pro Tem Murphy also referenced Item 8E and stated for the benefit of the public why the revisions to the Council procedures had been proposed. He encouraged the public to read the revisions and work with the City Council to ensure that Council meetings were as inclusive as possible and continue to provide public comment and engagement. He thanked the City Clerk for her work on the changes along with the efforts of the City Council.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, also speaking to Item 8E found the revisions would be beneficial and he was pleased a second comment section would be added to future meeting agendas. As to Item 8G, he commended the work of the City Manager and hoped the City Council would approve the item. He also expressed his support for Item 8F.

Rafael Menis, Pinole, requested the following revisions to Item 8E: revise the first sentence of Page 98 of 369, 12. Rules of Order, b. Consent Calendar, to read: *Items listed under the "Consent Calendar" are considered to be routine and noncontroversial and will be enacted, approved, received or adopted by one motion in the form as shown on the agenda*; and Page 102 of 369, Section 16, this section should be reworded to encourage increased public engagement in study sessions and workshops.

Referring to Item 8D, Mr. Menis found that this item would involve a substantial change for the City with the creation of a new Environmental Justice Element with a focus on discriminated against communities in Pinole. He suggested the staff report was worth further discussion. As part of this item he also had concerns that only one language was being recommended to be offered at workshops, particularly since 36 percent of Pinole was non-English speaking.

PUBLIC COMMENT CLOSED

City Clerk Heather Bell responded to the public comment related to Item 8E, and recommended further modification to Page 102 of 369, Section 16 to read:

Study Sessions and Workshops are special meetings of the City Council that provide in-depth information and give City Council members background and insight for addressing critical City issues more effectively and allows additional time for public review and participation.

The consensus of the City Council was to accept the additional revision offered by the City Clerk for Item 8E.

ACTION: Motion by Council members Toms/Martinez-Rubin to Approve Consent Calendar Items 8A through 8G, subject to the changes identified for Item 8E by the City Clerk.

Vote:	Passed	5-0
	Ayes:	Salimi, Murphy, Martinez-Rubin, Tave, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

9. PUBLIC HEARINGS

Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.

None

10. OLD BUSINESS

A. Options for City-Sponsored Fourth of July Fireworks Show for 2022 [Action: Discuss and Provide Direction (Picazo)]

Recreation Manager Maria Picazo provided a PowerPoint presentation detailing the proposals for a City-sponsored Fourth of July Fireworks Show for 2022, as shown in the February 1, 2022 staff report. She asked the City Council to receive the report, consider the proposals/options and provide direction to staff.

Responding to the Council, City Manager Murray clarified that Pinole staff had been in communication with City of Hercules staff on possible collaboration for fireworks show and cost sharing, although staff had been informed the City of Hercules had no plans to collaborate with Pinole at this time since Hercules had plans for its own fireworks show. He acknowledged he had no conversations with any Hercules Councilmember to discuss the fireworks show.

Ms. Picazo confirmed the City Manager's comments but stated Pinole staff would keep the lines of communication open with Hercules' staff.

Council member Tave understood the Hercules City Council had allocated funds in its budget for fireworks show which was why he suggested the opportunity for shared costs or possible collaboration.

Mayor Salimi suggested staff reach out to the Hercules City Council.

Ms. Picazo clarified, when asked, that if the City Council took action to move forward with additional activities for the Fourth of July such as water activities, staff would need to come back with additional information since only the fireworks show was being discussed at this time. She again provided the estimates for sponsorship, cost estimate and the timing for the fireworks displays as part of the proposals received and as outlined in the staff report.

As to the overtime pay for police and fire personnel who would be required to be on-duty for a Fourth of July Fireworks show, Fire Chief Chris Wynkoop clarified there would be no additional holiday pay on top of overtime pay. In response to concerns with a fireworks display during the summer given drought conditions, he noted those conditions were the reason for the recommendation for the fireworks display to be launched from a barge off-shore out of range from any falling projectiles that may start a fire.

Ms. Picazo reiterated that staff had focused only on the costs and details for a fireworks show and had not explored a water show at this time. If the City Council provided direction staff could review whether there were any companies that provided such activities in the area. As to the current proposals for fireworks displays, the vendors had received numerous requests from cities, more than could be fulfilled, and the vendors had requested Pinole reach an agreement on any fireworks display by the end of February. Vendors would also need time to obtain necessary permits and supply chain issues could also be a factor.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, understood the City of Richmond had planned a fireworks show in 2022 but that remained to be determined. He suggested the City Council move forward with the first option and make a decision this evening given that time was of the essence.

Anthony Vossbrink, Pinole, suggested the City Council revisit the last time this request had been discussed by the City Council, which had been voted down. He questioned what had changed between then and now pointing out the community remained in a pandemic, a fireworks show should not be considered this year, and he opposed the expenditure of upwards of \$60,000 in tax dollars for a brief show while the City had stated it did not have adequate funds for other services and needs. He also questioned the cost impacts to police and fire services such an event would produce. He reported the City of San Francisco had recently announced it would cancel its 2022 fireworks display, and suggested Pinole should do the same until after the pandemic and the economic downturn in the economy and consider other community activities. He emphasized both the Police and Fire Chiefs had previously opposed a Fourth of July fireworks display and he asked them to opine on the current proposal. He also commented on the lack of adequate parking and issues related to crowd control and security during such events.

PUBLIC COMMENT CLOSED

Council member Martinez-Rubin was torn because while she recognized the ongoing pandemic and the unknowns there was also a need for the community to celebrate. She too would like to know what the City could consider at a smaller cost such as a non-fireworks celebration. She referenced a community event at Fernandez Park that had been held in October 2021, which had been pulled together by the Pinole Police Department as part of National Night Out, and which had combined an event traditionally held in August with Halloween themed costumes. She was curious about events that celebrated community, patriotism and drew on celebratory and festival events that could be centered around food, and bringing people together with local vendors. She asked staff to bring back information on such an event and urged staff to reach out again to the City of Hercules to consider possible cost sharing for a fireworks display.

Ms. Picazo suggested staff could return to the City Council at its next meeting scheduled for February 15, 2022 with additional information.

Mayor Pro Tem Murphy recognized the uncertainty of the pandemic and suggested there may be an opportunity for a water show. He wanted to see old traditions acknowledged while making new traditions, and agreed an effort should be made to see whether a partnership could be established with the City of Hercules with possible cost sharing, and that staff also reach out to the Bay Front Chamber of Commerce on a possible partnership. He also wanted to see COVID-19 safety measures be considered for community events to include hand sanitizers and masks provided to the community.

Mayor Pro Tem Murphy asked about the type of program that would be considered for a Pinole Fireworks Show in terms of whether the Mayor or Council members would be asked to speak. He suggested that surveys and community engagement should be considered that would allow the community to understand the costs for such events and their importance to the community. He otherwise expressed his appreciation to parks and recreation staff for all of their hard work producing community events.

Council member Tave echoed the comments and suggested the City was doing well with its community events even in the midst of the pandemic. He suggested that the Fourth of July could be an opportunity to expand community engagement such as having a booth at the event for City staff. He supported the possibility of partnership with the City of Hercules and would like to learn more about future conversations between Hercules and Pinole staff.

Given the time constraints for the vendors, Mayor Salimi suggested that the City Council move forward and direct staff to sign what was needed for the City to secure a fireworks display proposal. In the meantime, staff could reach out to other cities and see if they were willing to share costs with Pinole, and as they secured the dates they could finalize items. He suggested the Hercules City Council would be willing to work with the City of Pinole.

Council member Toms suggested the item be continued to the City Council meeting of February 15 to allow staff the ability to obtain more information, including when the City of Hercules planned its fireworks display and whether Pinole could partner with the City of Hercules. The City Council could still make a decision in time to get a vendor, if needed. If the City of Hercules did not want to partner with Pinole, she suggested Pinole not have a fireworks display on the same night as Hercules since the City would still have first responders and public safety conducting crowd control, which would be a big draw on staff for two nights as opposed to one night.

In response to Mayor Pro Tem Murphy, City Manager Murray clarified the City Council had budgeted \$100,000 for unspecified community events and the funds had been set aside but had not been specifically earmarked for a fireworks display. He asked the City Council to specify its direction to authorize staff to expend a portion of those funds for the fireworks show and to execute the contract.

Mayor Pro Tem Murphy supported moving forward with a fireworks show with staff to lean into partnership opportunities as discussed.

Mayor Salimi suggested a fireworks show would be great for the community as a whole and funds had been budgeted. He asked the City Manager the best way to move forward while keeping the options open with the City of Hercules. He asked the City Manager whether the item should be tabled or staff given the authority to proceed.

City Manager Murray suggested the item could be continued to the February 15, 2022 City Council meeting as opposed to tabling the item. He reiterated that staff already had discussions with Hercules' City staff on this issue. He suggested Council members could reach out to their Hercules City Council peers on a possible partnership and on the suggestion whether Pinole could contribute financially to a larger Hercules fireworks show as an option. He added that successful events in the community had included the implementation of COVID-19 measures along with education to the public. As to directing staff to research a possible water show as an alternative that could be done with more information to be provided on February 15. He cautioned, however, that the waterfront area was limited for water activities. Staff could also discuss possible partnership with the Bay Front Chamber of Commerce.

It was the consensus of the City Council for staff to provide additional information on a possible water show as an alternative to the fireworks show for a Fourth of July event.

Mayor Salimi advised that Item 10A would be continued to the February 15, 2022 City Council meeting, as discussed.

Mayor Salimi left the meeting at this time and City Attorney Casher restated the reason for the Mayor abstaining from the discussion of Item 11A, as earlier reported.

Mayor Pro Tem Murphy chaired the meeting at this time.

11. NEW BUSINESS

A. Recommended Next Steps for the Faria House [Action: Discuss and Provide Direction (Mishra)]

Public Works Director Sanjay Mishra provided a PowerPoint presentation on the next steps for the Faria House. He asked the City Council to review staff's recommended next steps and direct staff to solicit proposals from professional service firms to assess the cost and benefit of potential uses of the building, including uses as a local history museum, professional offices, and residences.

Mr. Mishra also recommended the City Council direct staff to solicit proposals from professional service firms to conduct a community engagement process to gather input from a representative sample of the community on the preferred future use of the site. Staff estimated that it would cost \$20,000 to hire a firm to conduct the cost and benefit assessment and \$50,000 to hire a firm to conduct a community engagement process. If the City Council directed staff to solicit proposals for an assessment of cost and benefit and a community engagement process, staff would return to the City Council with a recommendation for a firm to conduct both scopes of work and a request for a budget appropriation to fund the firms' work.

Responding to the Council, Mr. Mishra clarified a cost benefit assessment would include a breakdown of the various details for the potential uses that had been outlined in the staff report. Again, staff was recommending solicitation from professional service firms to conduct a community engagement process to gather input from a representative sample of the community on the preferred future use of the site and a list of community benefits, but a dollar amount may not be identified. He added that while some of the potential uses may be able to identify a dollar amount, it would be difficult to identify a dollar amount to reflect the benefit to the community.

City Manager Murray commented that while not everything could be quantified, municipal revenues generated by different uses, such as direct revenues, could be monetized and quantifiable. At a certain point, there would be a challenge to quantify and put a dollar amount on the benefits, but there were certain standards that could be identified, such as the number of users that could be anticipated for a potential use, revenue from such users, and revenue generated for the downtown. The consultant should be able to identify a more objective quantification of the differences in the benefits for the different types of uses.

In terms of the value of the Faria House, a fair market appraisal had previously been prepared which included the renovations needed to make the structure habitable. It would be within the cost and benefits assessment of the different uses for a consultant to identify the structure's value as is, potential sales cost, residual value and the like, which all would be within the scope of the consultant's work.

City Manager Murray reiterated a consultant would not be able to monetize everything but look at the fiscal and economic impacts from the different uses and again determine the number of uses the Faria House may attract and a measure of the impacts in value of a particular use, and how a particular use may impact the economy of the downtown as a quantifiable piece of information the City had not analyzed. One component was getting more objective information and the City had some analysis related to the cost and benefit of using the structure as a history museum, but did not have the same information for the other possible uses or resident input regarding the priority of the possible uses.

The history of the public input to date had been attached to the staff report with a summary of the findings of the Faria House Ad Hoc Committee from 2020. Staff was unaware of any past polling efforts for the potential uses of the Faria House.

Mr. Mishra confirmed there had been prior cost estimates provided for the renovation costs for the Faria House; however, the cost estimates were only to make the structure habitable. The consultant could be asked to provide a cost estimate to bring the structure up to current codes.

City Manager Murray suggested such information would be provided if the consultant were directed to provide cost estimates for the potential uses identified in the staff report. An estimate with and without the estimated cost for an elevator to access the second floor as an example could also be requested.

PUBLIC COMMENTS OPENED

Alexander Jason, Pinole, suggested the City did not need consultants since the City Council had already considered a Memorandum of Understanding (MOU) to build a Pinole History Museum and Community Event Center and when the Faria House had been moved by the City to its current location it was intended for those uses. He found it to be shameful the City had not fulfilled its promise to the Faria sisters who had grown up in the home and in the community. He emphasized the interior of the Faria House was a wreck, unusable for any purpose and had been broken into by the homeless. The Faria House was City property and should not have been permitted to remain in its current condition. He suggested the City should expend the funds for the house to be used for any purpose.

Mr. Jason also suggested the City did not have to spend \$50,000 on a community survey since the decision on the Faria House had been made long ago. Pinole citizens elected the City Council to make those decisions. The Faria House should not sit unused, should be made serviceable and maintained and brought up to code, which was what the City Council should be voting on.

Jane Cole, Pinole, a retired teacher had envisioned the Faria House as the Faria sisters had as a place for children and adults to experience Pinole's history unfold. Making the Faria House a place for community events and activities would change Pinole from a bedroom community. The Faria House could be a place for everyone to follow the roots of past and future generations. She suggested all community events could dovetail with activities sponsored by, and done at a Pinole History Museum. She urged the City Council to move forward with renovations of the Faria House.

David Ruport, Pinole, reported he had been unable to read some of the documents attached to the staff report. He also found that some of the background summary in the staff report included

incorrect information regarding the MOU which had been considered by the City Council in 2020. He also reported that he too had experienced difficulty obtaining public records from the City and suggested that process should be improved. He otherwise found the procedure the City had taken for a Pinole History Museum had not been ideal, and there had been difficulty getting good information out of the City or from the proponents of a Pinole History Museum.

Tammera Campbell, Pinole, referenced the results of a small community-based survey from Pinole Fair Government where residents had not supported the City spending money for the Faria House. She supported the City spending the money to get the information needed on what was required to make the structure usable but did not support the sale of the property given the division in the community. She emphasized that there were many buildings in Pinole that were not maintained, such as the Senior Center. She also pointed out that many people were now working from home and acknowledged the sale of the Faria House could become a beautiful residence for someone or a wedding venue.

Jeff Rubin, Pinole, President, Pinole Historical Society and Pinole History Museum, suggested that hiring consultants for every top dollar issue that was considered by the City Council was a waste of time and money. He questioned the possible expenditure of funds that would be in addition to funds the City had already spent to hire an architect to renovate the Faria House. He emphasized residents had made their voices heard on numerous community issues facing Pinole, some of them several times, with no surveys considered for building a skate park or funding the library as examples. In the fall of 2021, the City Council had held two workshops on the use of ARPA funds. Both workshops had been well noticed to the public but involved limited community participation. The City had similar limited results from a survey requesting input on how to spend the ARPA funds. He questioned the process of asking residents to provide public comment at City Council meetings but later surveying residents and then complaining the survey results were inadequate.

Mr. Rubin reported seventy people had expressed their support for the Faria House renovations at a June 15, 2021 City Council meeting and he had submitted copies of the public comments from that meeting to the City Council. He hoped the City Council would refresh its memory for the support of the Faria House renovation and a Pinole History Museum. He suggested the City Council had heard from everyone who cared about these issues and it was time for the City Council to do what it was elected to do and make decisions.

Rafael Menis, Pinole, suggested it was worth knowing what they were discussing which was not funding for the Faria House for any purpose. He recognized there was significant support in the community for a local history museum but there was also significant opposition, which was why it would be worthwhile to have a community engagement process.

Mr. Menis asked for more information and consideration of a community engagement process which may impact the next agenda item, consideration of the next steps for 2301 San Pablo Avenue, "Community Corner." He stated a community engagement process was important and acknowledged that while there had been significant public input on this issue, a survey from the broader community on the appropriate use of the Faria House had not been conducted. A survey from Pinole Fair Government was a survey that had gone out to a limited audience and not a random sample. He supported properly sampled polling to get a sense of the broader cross section of the community on this topic. He further suggested a cost benefit analysis would be worthwhile but the primary benefit would be a broader survey.

Irma Ruport, Pinole, was surprised the topic was again before the City Council given that the Faria House had been identified in the unfunded category in the budget as part of City Council discussions in 2021. She detailed the staff recommendation as shown in the staff report, and suggested it was a waste of time for City staff, the City Council, City Attorney, the public's time, and taxpayers' money. She suggested the City Council not spend another dime on this topic and rather suggested the status of the Faria House should be placed on the ballot for November 2022 so that taxpayers could be part of the solution. If the City Council did not consider a November ballot measure, she and a group of residents would petition the City Council to place the item on the ballot. She had already requested ballot information from the City Clerk. She urged the City Council to stop this failure of a project since the City Council had other important issues to discuss, such as the fact Pinole had an "F" rating for affordable housing and had been ranked last for streets and roads. She also commented on the fact that some of the attachments to the staff report were unavailable to the public and the fact she too had a Public Records Act request since July 22, 2021, for all Faria House and Pinole Historical Society information but had received no information.

Debbie Long, Pinole, suggested the City Council was at a stalemate and the outcome was predictable. She suggested the best option was to sell the Faria House to the Pinole Historical Society for what the City paid in 2016, which could be justified based on funds required to make the structure habitable. While cost of real estate had only increased, the cost of renovations had as well and anything done on the property would require a prevailing wage. Sale of the property to the Pinole Historical Society with a timeline for improvements would allow the Pinole Historical Society to partner with volunteers and the union. This method had been used for Dr. Lee's building albeit that process had taken much longer and had been for a specified use.

Peter Murray, Pinole, former Pinole Council member and Mayor, detailed the history of the Faria House and its community benefit. He emphasized the City of Pinole had promised the Faria sisters the City would take the home, move and renovate it for the purpose of a historical museum, and losing that intent for political reasons was wrong. The Faria House offered a lot to the community and to the economic benefit of the downtown. The City had available Redevelopment Funds to pay for many of the improvements. He added that the Faria House was intended to reinvent the community and capture Pinole's history.

Christy Lam-Julian, Pinole, suggested the City Council should dig in deep to the community. She suggested it was fiscally irresponsible to pay another consulting firm to conduct community engagement given the effort for the ARPA funds, as an example, had been lackluster. She encouraged community engagement, particularly given the diversity of Pinole which would provide a greater sense of what residents wanted.

PUBLIC COMMENTS CLOSED

City Manager Murray clarified in response to some of the public comment that the City of Pinole did not have a signed agreement with the Pinole History Museum regarding the use of the Faria House, although one had been proposed for City Council consideration on November 17, 2020, which had also been confirmed by the City Attorney.

Finance Director Markisha Guillory clarified, when asked, that there had been 64 responses as part of the ARPA workshop survey.

City Attorney Casher again clarified the agenda item with the City Council asked to provide direction on the next steps for the Faria House and the staff recommendation as outlined in the staff report. The discussion did not include the subsequent agenda item for the "Community Corner," which was a separate item.

Council member Toms supported the expenditure of \$20,000 to hire a firm to conduct the cost and benefit assessment as long as it included the level of improvements needed to be done for different types of uses, such as the building code requirements if used as a residence, the building code requirements for a business, or a museum with no elevator and offices upstairs. The cost for the full proposal for a museum on two stories with an elevator was information that was already on record. She did not recommend a community engagement process on any proposal since that engagement was ongoing already albeit with controversy. She would like to figure out the goals, what the City Council could agree upon, and suggested they could all agree on having the Faria House be renovated, but likely could not agree on whether to sell the property, do the renovation at certain levels, or convey the property to the non-profit Pinole Historical Society.

Council member Toms sought more information which the cost benefit assessment would provide. She recognized that not everyone was in agreement but they had to reach a compromise and if there were a number of investments that could be made to allow the Faria House to be used at some level with fundraising by a nonprofit or some other use that would not require an elevator to the second floor, they needed to figure out what could be done to move towards an agreement for a usable building in the downtown. The City Council also needed to reach a decision on whether to be the long-term owner of the building, sell it, fix it up and sell it, or if a City-sponsored rehab there would be prevailing wage requirements, and if conveyed to a nonprofit that could be something that could be done. She hoped the City Council would be able to make some accommodations in order to move forward.

Council member Martinez-Rubin found that an elevator was an Americans with Disabilities Act (ADA) requirement which may impact how to proceed with different uses. She supported representation that was reflective of the community as a whole, and commented on the importance of all of the studies and reports to date. She opposed the use of \$50,000 for community engagement for this project and stated it had not been done for any other project where there was a perception of division.

Council member Martinez-Rubin commented that Pinole did not have a venue that allowed for multiple uses in a location that was centered on its history and culture and an opportunity for a discussion about what all of that meant. She understood that Pinole believed in community development being significant enough and valued enough to support as a city the continuity of renovating the Faria House and she discarded the notion a museum would be a stodgy, old building that consisted of history static. More discussion was needed about the opportunity to create community space that was more about the history that could be provided in the Faria House. She did not think the building should be sold to someone outside of Pinole, it had roots in the agricultural beginnings of the City, with room to blend that with contemporary uses. At this time, she supported the recommendation to spend \$20,000 to hire a firm to conduct the cost and benefit assessment and not the \$50,000 for the community engagement process. She suggested the Faria House would be a gem for the community once it was able to be renovated and useful.

City Manager Murray reiterated the staff recommendation and commented that while some had suggested doing one without the other, staff's vision was to do both as a linear process with the

cost benefit assessment first and the community engagement to build off of that process, although it would be acceptable for the City Council to move forward with the cost benefit assessment recommendation and defer the community engagement recommendation.

Council member Tave appreciated all of the different perspectives and the recognition the City Council was discussing the use of taxpayer funds for an asset that had sat for a long time. Based on his research, he found that compelling arguments had been made that investment should occur for the City's history; however, and in his opinion, the Faria House was so far from getting there and putting taxpayer money into it absent the knowledge of the cost benefit was a concern. He suggested there were other options such as the sale of the building or a ballot measure to compel the City to renovate the Faria House as a possible museum. He questioned the use of taxpayer money for a use that had not been solidified by the current City Council.

Council member Tave suggested \$50,000 was too much for community engagement and potentially a workshop could be considered. The sale of the Faria House was an option that had not been discussed and he reiterated the building had been sitting for some time, it did not have a security system and there was inadequate lighting. The cost of moving the building to another location or possibly selling the building were options that had not been fleshed out. He suggested if the status of the Faria House was to be a ballot measure it would allow information to get out one way or another and was a possible option that should be discussed. He recognized the City had gone back and forth about investing in the City's history for years but the question was how to honor it in a way that did not involve significant cost.

In response to Mayor Pro Tem Murphy, Mr. Mishra and City Manager Murray clarified the City did not have a recent appraisal for the Faria House or its land.

Council member Toms advised against a ballot measure given there were two factions that would be spending money on campaigning. She suggested that money the Pinole Historical Society may spend on a ballot measure could be better spent on the goal of buying the building or for renovations. As to the potential uses for the Faria House, she understood there were some office uses that could be permitted on the second floor of a building that did not require an elevator, which was part of what the cost benefit assessment would evaluate.

Council member Toms described a potential scenario with a museum use on the first floor and an office on the second, and if the museum were to be successful it could conduct fundraising to lease the entire building. The Faria House was situated on a large lot, should not be moved, and an architect in the past had designed an apple orchard in the rear, which could make the site a nice wedding venue. She again supported the \$20,000 for the cost benefit assessment which would help inform the City Council.

Council member Martinez-Rubin pointed out the Faria House site was located in Heritage Park. The origins of the location had been detailed in the staff report and spoke to the interest in creating a place that would honor culture and heritage. There were many advancements in technology that could be considered, such as the use of solar or electric energy, and technology which may create a dynamic exhibit. There were plans to use the Faria House for the community's purpose and plans for fundraising by having the area behind the structure serve as a venue that would generate revenue for the City. The cost for renovations would only increase and she emphasized the costs already incurred by the City for the Faria House. She pointed out the City had also subsidized other recreational activities in Pinole and in terms of return on investment, the City's

recreational facilities always had to transfer funds from one fund to another to sustain them, with support to do so in order to provide a variety of activities in the City.

Council member Martinez-Rubin opposed the notion of a ballot measure. The City Council was elected to make the hard decisions and listen to the people who had shown up and who were interested in enriching the cultural sensibilities of Pinole and who believed in the value of a cultural/community venue. There were Redevelopment Agency funds generated from past facilities that had contributed to the General Plan, and they needed to discuss how to use those funds. She asked those who had provided public comment to understand that compromises had been made when the City had funded other major projects that didn't necessarily address what they may believe were important.

Council member Tave understood the importance of Pinole's history and while the City Council could discuss other community events and things the City had paid into as part of community enrichment, he pointed out there were community partners involved in those situations. The City had borrowed against deferred maintenance for years and since 2008 the City had been very conservative with many of the City's staff having done multiple jobs. He emphasized the City's roads were in poor condition and while current staffing levels were adequate and the City had funds to start paying for deferred maintenance, expending funds to renovate a building which was passed its' prime as compared to the cost of new construction was a concern. He questioned spending the money for a "want" as opposed to a "need," and emphasized the City Council had a fiscal duty to take care of the City's needs versus the wants. He again opposed the expenditure of \$50,000 for community engagement, suggested the sale of the property should be an option for consideration and suggested there were other ways to capture and display Pinole's history.

Council member Martinez-Rubin stated a museum would be a venue which created a culture and invited participation and engagement. She reiterated her comments and again supported getting information that would help decide which way to go. Additional conversations would follow how the Faria House could be used. She suggested the staff recommendation to hire a firm to conduct the cost and benefit assessment was reasonable and once that information was received they would have something on which to base a decision.

Council member Martinez-Rubin offered a motion, seconded by Council member Toms to support the staff recommendation to expend \$20,000 to hire a firm to conduct the cost and benefit assessment to assess the cost and benefit of potential uses of the Faria House, for the three potential uses identified in the staff report.

Mayor Pro Tem Murphy stated for the record he had never made a promise as a Council member regarding the future of the Faria House. He was of the opinion that the ideas for additional studies, such as the community engagement, while part of the City Council's challenge, seemed to be false promises of the past having been laid on the current Council. Based on the public comment, he found there were two different opportunities; either the sale of the property or the idea of putting the future use of the Faria House on the ballot, which led to the question of whether the City should use the Faria House for a particular use and how much the City should spend on a particular use. A ballot measure would address not just the future of the Faria House but what tax dollars should be spent on a future use along with upgrades and long-term use of the building. There was a compromise in each option but the reality was they were at a point where there was an opportunity to see whether the Faria House was as much of a priority in the community as many had suggested.

Mayor Pro Tem Murphy found the Faria House to be a distraction to what many in the community had consistently spoken about including road conditions, environmental issues and racial equity. He suggested there was an opportunity to promote democracy and to ensure that those who wanted the Faria House as a museum long-term in the City were aware of the costs, and he was inclined to support those two solutions with both requiring community engagement. He hoped the City Council could come to a decision point on those two issues. He asked the City Council to explore those two options, and if there was an opportunity to sell the Faria House, and if the buyer was potentially the Pinole Historical Society or another party, they could see the same successes the City had experienced with the Bank of Pinole, the Collins House and the mixed-use area across from the playhouse. If the matter goes to a ballot there would be an opportunity for Pinole residents to be engaged and there may be groups advocating for one side or another, all part of the democratic process.

Mayor Pro Tem Murphy commented this topic had come to the City Council on numerous occasions and there were other things he would like the City Council to focus on. He urged that a decision be made at this time. He reiterated he would not support an ongoing study or another consultant around community engagement, but would support mapping out those two plans. He appreciated the staff work on this topic but found the staff recommendation was not the solution to the real problem and suggested it was another way to deflect and defer a hard decision.

Council member Martinez-Rubin found Mayor Pro Tem Murphy and Council member Tave's comments telling that they had not listened to their constituents. The options before the City Council as included in the staff recommendation were new. As to promises made, she stated she had not promised anything about the Faria House.

ACTION: Motion by Council members Martinez-Rubin/Toms to support the staff recommendation to expend \$20,000 to hire a firm to conduct the cost and benefit assessment to assess the costs and benefits of potential uses of the Faria House, for the three potential uses identified in the staff report

Vote:	Failed	2-2-1
	Ayes:	Martinez-Rubin, Toms
	Noes:	Tave, Murphy
	Abstain:	Salimi
	Absent:	None

Mayor Pro Tem Murphy offered a motion, seconded by Council member Tave to direct staff to move forward with a ballot measure with regard to the future use of the Faria House.

City Attorney Casher explained that the item before the City Council, as agendaized, had been to consider retaining a consultant to provide the study for the Faria House. Staff could be directed to work out and present the direction offered by the Mayor Pro Tem to the City Council but would have to stop short of any formal motion on a ballot measure.

Mayor Pro Tem Murphy clarified he would like a broader discussion with staff on what a ballot measure would look like. He understood if the motion was supported it would provide direction to staff on next steps with regard to the use of the Faria House and what would be possible as a ballot measure.

City Attorney Casher stated the motion, as clarified, would be acceptable since the item would have to come back as a future discussion. A motion, second and vote would be required.

City Manager Murray clarified the direction to staff was for a future agenda item to receive direction from the City Council on moving forward to place a ballot question regarding the use of the Faria House and investment of City resources on the next General Election ballot for November 2022.

On the discussion, Council member Toms asked how the question would be posed to voters absent the cost benefit assessment on the possible different uses for the Faria House.

Council member Tave found the City Council was at a stalemate and it made sense to go to the voters to determine whether or not the electorate wanted the Faria House to be a museum, which would compel the City to do the work and respond to a question before the community for years. He reiterated his comments on the topic and urged the City Council to let the residents speak via their vote, which was part of the democratic process rather than going back and forth and arguing about the history and value of the building. He supported the motion as stated.

Council member Martinez-Rubin noted the democratic process was also about civic involvement. She concurred with the initial staff recommendation for a cost benefit assessment, as previously stated, and suggested a ballot measure option was a guise for the City Council not to decide or compromise which she found to be unfortunate.

Council member Toms pointed out that ballot measures involved a timeline and a question on the ballot and a cost benefit assessment would help to answer the question that could be posed to voters.

Council member Tave disagreed that the motion on the floor was a guise not to make a decision. Discussions on the Faria House had been back and forth for years. Even if a cost benefit assessment had been done and regardless of the information there would be only four Council members present to make a decision and he was not confident a decision could be reached.

Mayor Pro Tem Murphy suggested the motion, as stated, would allow another opportunity to have the conversation and for the City Council to determine what questions should be placed on a future ballot. While he appreciated the public comment to date, input from all residents of the City via a ballot measure would be a simple ask. He asked for support from the City Council to move the item forward which would provide closure to a false promise made in the past.

As to the potential costs of a ballot measure for the November 2022 General Election, City Clerk Bell reported that the City always included some funding in the budget for elections. Putting a ballot measure on a regularly scheduled election would not add significant costs, but polling and engagement could involve additional costs.

City Manager Murray concurred that if the City Council wanted a public education campaign that was an option the City Council could undertake which involved various forms and costs. Simply placing a measure on the November 2022 ballot would not create significant cost to the City.

City Attorney Casher advised that administrative costs for a ballot measure varied and there were other steps required to prepare the ballot language that may involve additional costs.

ACTION: Motion by Mayor Pro Tem Murphy/Council member Tave to approve a future agenda item to receive direction from the City Council on moving forward with placing a ballot question regarding the use of the Faria House and investment of City resources on the next General Election ballot for November 2022.

Vote:	Failed	2-2-1
	Ayes:	Tave, Murphy
	Noes:	Martinez-Rubin, Toms
	Abstain:	Salimi
	Absent:	None

Council member Toms stated her no vote was because the item was not on the agenda for consideration. Discussion could take place at a future meeting and she would not object to exploring this option further. She suggested a future agenda item for a Closed Session to discuss real estate negotiations for the Faria House.

Council member Toms offered a motion, seconded by Council member Martinez-Rubin for a future agenda item related to real estate negotiations regarding the possible sale of the Faria House in a Closed Session.

Council member Tave found the motion to be the same type of motion as the prior motion that had failed. He questioned the City Council now considering future agenda items which was not to be considered until later in the agenda.

Council member Toms stated she could bring the item up later in the meeting agenda under consideration of future agenda items. She withdrew her motion at this time.

Mayor Salimi returned to the City Council meeting.

B. Recommended Next Steps for 2301 San Pablo Avenue ("Community Corner")
[Action: Discuss and Provide Direction (Mishra)]

Public Works Director Mishra presented the staff report and recommended the City Council direct staff to solicit proposals from professional service firms to assess the cost and benefit of potential uses of the site, including at least commercial development, mixed-use development and a public park. He also recommended the City Council direct staff to solicit proposals from professional service firms to conduct a community engagement process to gather input from a representative sample of the community on the preferred future use of the site. If the City Council directed staff to solicit proposals for an assessment of cost and benefit and a community engagement process, staff would return to the City Council with a recommendation for a firm to conduct both scopes of work and a request for a budget appropriation to fund the firms' work.

Responding to the Council, Mr. Mishra clarified the property was former Redevelopment Agency property and was under the authority of the Successor Agency. The former gas station equipment on the site had been removed from the site and the site had been mitigated.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, suggested a cost benefit assessment and community engagement would be helpful for this item to ensure a fully informed decision on what could be done with the property, particularly if the City wanted to retain the property for public use it would need to pay the fair market value to be distributed to the taxing entities.

PUBLIC COMMENTS CLOSED

Council member Toms noted the property had been designated in the General Plan and Specific Plan for a mixed-use not park or plaza. She suggested the City should be moving forward to implement the Three Corridors Specific Plan to invigorate the downtown, and whether ground floor retail, office or restaurant and/or second or third floor residential office that was where the flexibility would be. She did not see that public engagement process would inform the City Council on anything a proposed development would provide. She wanted to see the funds focused on trying to find another developer for the site with a wider net on getting the property developed.

City Manager Murray acknowledged the City had gone through numerous rounds of offering the property with different levels of responses. There had been changing economic circumstances with a fairly strong response from a more recent effort of marketing surplus City property. He suggested that doing the same thing but with a different consulting firm could be one option. One of the options was that the City determine the use first and then find someone interested in creating that use. He also acknowledged that private development had expressed interest in the property in the past.

Council member Martinez-Rubin asked whether the City Council could review the reasons why a developer had not been attracted to the site. She had asked a development firm during a Council expo about the property and had learned one of the constraints was that the lot was not large enough.

City Manager Murray confirmed it was less cost efficient to develop a smaller sized lot, there were limits on what could be constructed on the property, and the City had received offers to develop the lot in the past, which offers had not been pursued due to the combination of the terms not being persuasive to the City Council.

Council member Tave asked whether the property had been marketed for any proposal to ensure creative and different ideas to develop the property. While casting a wider net, he wanted to see the restrictions be lifted to allow a potential developer to offer ideas. He understood that access to the property was constrained, an existing electrical box on the property may be difficult to navigate, and he was uncertain how to make the lot useful and generate revenue for the City until such time as a developer showed interest. He asked of the estimated value of the property.

City Manager Murray explained that the property had been appraised at \$240,000, and the firm that had done marketing for the property had listed the property with an Offering Memorandum with current land use restrictions and allowances. The City had gone through the exercise of casting a wider net in the past and had received one proposal that was not satisfactory, but possibly the City Council could identify what it wanted to see on the site and seek a developer who could bring that idea to fruition. The staff recommendation for community engagement had come from what the community had indicated it would like to see on the site and the idea for the community engagement process was the community's vision for the property. While interim steps could be taken, staff preferred a long-term solution.

Mayor Pro Tem Murphy liked the “Community Corner” and the work the community and the Bay Front Chamber of Commerce had done which had been helpful. He would like to see consideration of a community sign board and things that would be long-term for the property. He asked what steps could be taken to revisit the current Mixed-Use designation in the Three Corridors Specific Plan to revitalize the area in a different way.

City Attorney Casher explained if the use of the site were to be changed it would require Zoning Code Amendments via Planning Commission public hearings prior to the City Council making an ultimate decision for formal modification to the Three Corridors Specific Plan and other base level approvals prior to any changes taking place.

Mayor Pro Tem Murphy asked whether it would be possible to retain a piece of the land and sell the remainder, and City Manager Murray confirmed that was possible although it would exacerbate the fact the site was already quite small.

Community Development Director Lilly Whalen confirmed the City Attorney’s comments if the use designation in the Three Corridors Specific Plan were to be modified where various zoning code amendments would be required, which would require Planning Commission input prior to ultimate City Council approval, a process that could take at least several months.

City Manager Murray suggested before there was any consideration of amending the City’s documents staff needed a sense of the use desired for the property, which was what staff was trying to advance via the staff recommendation. Once a decision was made the City Council could then consider whether or not to amend the Three Corridors Specific Plan.

Council member Martinez-Rubin supported the staff recommendation and testing out community engagement to inform what could be done. She expected the community engagement process/steps would be different than just a survey with attempts to draw people throughout the community and would allow the consultant to inform and make people aware of the context and history of the property. She wanted established and new residents and people from different neighborhoods to be involved in the community engagement process.

Council member Martinez-Rubin offered a motion, seconded by Mayor Pro Tem Murphy to proceed with the staff recommendation.

Council member Toms commented that there had already been community engagement, which was how the City Council had arrived at the Three Corridors Specific Plan designation and it would not identify a developer that would make a development pencil out or not, absent casting out a wider net for developers to take another look at the property. If entertaining other uses, the Three Corridors Specific Plan and General Plan could be amended once there was a proposal. She suggested they were going backwards, letting the City dream up what it wanted and hope someone would build it, rather than putting it out there and asking whether something could be built. She pointed out the City had some Successor Agency funds available that may help to subsidize affordable housing.

Council member Tave agreed with Council member Toms that the scope may be too narrow to attract developers. He commented that if surplus properties were having difficulty getting sold, that was when they should look at the larger picture, such as amending the Specific and General

Plans. For the subject property, he would rather see a wider net cast and take all suggestions for the property and then have the City Council discuss in Closed Session how to approach it

Council member Martinez Rubin restated the motion, seconded by Mayor Pro Tem Murphy to support the staff recommendations to engage a consultant to provide a cost benefit analysis for possible uses for the property at 2301 San Pablo Avenue "Community Corner" and undertake the community engagement process.

On the motion, Council member Martinez-Rubin noted that updates to the Three Corridors Specific and General Plans in 2011 had been good examples of community engagement.

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Murphy to support the staff recommendations to engage a consultant to provide a cost benefit analysis for possible uses for the property at 2301 San Pablo Avenue "Community Corner" and undertake the community engagement process.

Vote:	Passed	3-2
	Ayes:	Martinez-Rubin, Murphy, Salimi
	Noes:	Tave, Toms
	Abstain:	None
	Absent:	None

- C. Receive and Accept the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year (FY) Ended June 30, 2021 [**Action: Receive and File Report (Guillory)**]

Finance Director Guillory presented the staff report and recognized numerous City staff for their contributions to the Annual Comprehensive Financial Report (ACFR). She introduced the City's Auditor, Ahmed Badawai, Partner, Badawai & Associates

Ahmed Badawai, Partner, Badawai & Associates provided a PowerPoint presentation on the ACFR, as outlined in Attachment A to the February 1, 2022 staff report. The City Council was asked to receive and accept the ACFR for Fiscal Year (FY) Ended June 30, 2021.

Responding to the Council, Mr. Badawai again clarified the figures in the City's Other Postemployment Benefits (OPEB) funded status, Government-wide Financial Statements, liabilities and deferred inflows of resources as shown in the PowerPoint presentation.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, again asked about the OPEB liabilities he understood was on a pay-as-you-go basis and his understanding it was not necessary to set aside funds. He also asked about the City of Pinole Ratios of Net General Bonded Debt Outstanding Last Ten Years Fiscal Years table, as shown on Page 328 of 369 of the staff report, which had shown a decreasing amount in the pension obligation bond principle while the budget for FY 2020/21 had shown that set of pension obligation bonds had been structured with the amount paid in interest only increased. He found the actual liability the City was facing year-to-year had not changed and he was confused by the table which appeared to be misleading on face value.

Ms. Guillory clarified it was not necessary for the City to set aside funds related to the OPEB, but if the City Council so directed that was something that staff could set up. The City was currently paying OPEB retiree, or medical on a pay-as-you-go basis as budgeted on an annual basis and reimbursing those retirees for medical costs. Staff could be directed to set up a trust for that but staff would have to determine the funding source. She suggested that Mr. Menis send her an e-mail on his other questions so that she could provide more information.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council member Tave/Mayor Pro Tem Murphy to accept the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year (FY) Ended June 30, 2021.

Vote:	Passed	5-0
	Ayes:	Martinez-Rubin, Tave, Toms, Murphy, Salimi
	Noes:	None
	Abstain:	None
	Absent:	None

- D. Development Process for the Fiscal Year (FY) 2022/23 Operating and Capital Budget and the Long-Term Financial Plan **[Action: Discuss and Provide Direction (Guillory)]**

Director Guillory provided a PowerPoint presentation on the proposed Development Process for the Fiscal Year (FY) 2022/23 Operating and Capital Budget and Long-Term Financial Plan and asked the City Council to approve the Development Process as outlined in the February 1, 2022 staff report.

Responding to the Council, Ms. Guillory advised the Development Process and Administrative Report could be shared on the City's website and on social media. Staff was also working on an on-line survey to get input from the community. The Balancing Act tool for both the budget and Long-Term Financial Plan would be considered. Also, collaboration with the WCCUSD on the City's budget could be considered when going through the process and having the Finance Subcommittee meet more frequently would offer opportunities to have those conversations. The Long-Term Financial Plan would also offer the opportunity to consider collaboration with the WCCUSD on long-term projects.

City Manager Murray reported a number of cities had more formal processes for joint discussions with school districts via annual joint meetings between the school district and the city council or a subset of the school district board and city council, and there were with models on how such a collaboration would work.

As to whether a Special Meeting of the City Council could be considered with the budget as the single item on the agenda, City Manager Murray stated in principle that could be considered but the City Council may find itself in a situation where there were other City matters that must be discussed prior to June and there may be other time-sensitive issues. A dedicated meeting for a budget discussion or the final affirmation of the proposed budget could be considered and he could work with the Finance Director to determine how that could be scheduled. He explained that the Development Process for the budget had been modified to prevent what had occurred in 2021, with lengthy meetings and allowing the full Council to suggest ideas and have them vetted.

PUBLIC COMMENTS OPENED

Irma Ruport, Pinole, emphasized the importance of the discussion given the upcoming November 2022 election. She urged the City Council to be more proactive and asked the City Council to improve information to the public related to opening fire stations and allow each City department to bring in information of what the public needed to know. She also encouraged the placement of a stand in the marketplace to inform the public or consider a volunteer to provide information to the public once a month. In addition, a newsletter similar to the newsletter prepared by the Parks and Recreation Department should be considered for the budget discussions. Further, future dates and information on how people could become involved and participate should be identified sooner than later.

Christy Lam-Julian, Pinole, asked how the community would be able to voice its concerns on the City's plans for equity and celebration for all cultures and cultural activities in Pinole. She suggested the City could do more in that regard rather than just use proclamations to ensure all residents felt safe, respected and heard, particularly since hate crime against the Asian Pacific Islander (API) community had continued. She also suggested more green space for families to enjoy and multi-cultural activities in the downtown beyond just the Fourth of July activities should be considered and discussed.

PUBLIC COMMENTS CLOSED

The City Council thanked staff for the new opportunities to review the Operating and Capital budgets, as proposed, as a step in the right direction for a more inclusive and refined process for the City Council and the community, with the hope that the process could be further refined.

City Manager Murray reported the consultant was nearing completion of the existing conditions assessment and recommendations for improvements related to the fire station reopening and the City was trying to provide many opportunities, as part of the upcoming Development Process, for people to contribute. All public meetings of the City of Pinole offered an opportunity for any member of the public to contribute his or her thoughts on additional programs and appropriations.

Mayor Salimi expressed his apologies to anyone who had experienced a hate crime in the community and agreed it was an important item to discuss.

ACTION: Motion by Mayor Pro Tem Murphy/Council member Toms to direct staff to move forward with the Development Process for Fiscal Year (FY) 2022/23 Operating and Capital Budget and the Long-Term Financial Plan.

Vote:	Passed	5-0
	Ayes:	Martinez-Rubin, Tave, Toms, Murphy, Salimi
	Noes:	None
	Abstain:	None
	Absent:	None

12. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Salimi reported he had attended the West Contra Costa County Mayors' Association meeting with a presentation from County Supervisor John Gioia on Measure X and a meeting of the League of California Cities Redistricting arm. He also spoke to the General Counsel of the Island of Tonga regarding the recent tsunami and invited everyone from the City of Pinole to help the Tongan people by providing drinking water, non-perishable food and other needed items. Donated items were to be sent to SF Enterprises with the deadline for donated items leaving via boat at the Port of Oakland on Friday, February 4, 2022 at 4:00 p.m. Those interested in donating items may also reach out to him directly and he provided his telephone number.

B. Mayoral & Council Appointments

None

C. City Council Committee Reports & Communications

Mayor Pro Tem Murphy reported there was no Marin Clean Energy (MCE) Executive Board meeting this month but a Technical Committee meeting would be held on Thursday, February 3, 2022 at 8:30 a.m., with all meetings open to the public and with more information on the MCE website.

Mayor Pro Tem Murphy looked forward to a wonderful Black History Month, thanked the City Council again for the Black History Month proclamation and wished everyone a Happy Lunar New Year.

Council member Toms reported the Bay Front Chamber of Commerce was sponsoring the State of the City Breakfast on February 10, 2022 starting at 7:30 a.m. at Leila by the Bay located in the City of Hercules, with the City Manager to make a presentation along with County Supervisor Federal Glover, with more information on the Bay Front Chamber of Commerce website. She also reported she and Council member Tave had attended the Municipal Code Update Subcommittee meeting to discuss a number of City ordinances with the illegal Fireworks Ordinance and encroachment permits having been identified as priorities.

Council member Tave highlighted all of the ordinances discussed by the Municipal Code Update Subcommittee, to be brought back to the City Council for a larger discussion. He also reported that a Communications Committee meeting would be held on February 4, 2022.

Council member Martinez-Rubin reported she had attended a West Contra Costa Transportation Advisory Committee (WCCTAC) meeting and briefed the Council on the presentations and discussions.

D. Council Requests for Future Agenda Items

Council member Toms requested a future agenda item to hold a Closed Session on the Faria House. Consensus given.

Council member Toms requested a future agenda item for a regular presentation from the Chief of Police with particular information on the status of hate crimes in Pinole. Consensus given.

Mayor Pro Tem Murphy requested a future agenda item to consider a City-wide initiative on racial equity. Consensus given.

Mayor Pro Tem Murphy stated he had previously requested a future agenda item for a Letter of Support for Assembly Bill (AB) 1400 but the author of AB 1400 had pulled the item. He was uncertain whether an official motion was required to take the request off a future agenda.

Council member Tave requested a future agenda item for a brief and general presentation on the City of Hayward's scalable recycled water service. Consensus given.

Mayor Salimi recalled that Council member Tave had previously requested an item for the City to produce a recycled water study as part of last year's budget and asked the City Manager to provide a status report at a future meeting, to which City Manager Murray advised the request for a recycled water study was one of the many studies that had been tasked to the Public Works Department this year. The Public Works Department would be making a presentation on the Capital Improvement Plan (CIP) at the next City Council meeting scheduled for February 15, which would include the recycled water analysis. Staff would be asking the City Council to provide direction on prioritization of the CIP projects at that time.

Council member Tave requested a future agenda item for a presentation from the building trades as to where the City of Pinole and Contra Costa County's workforce was given the Great Resignation along with impacts to labor, and possibly consider a job fair to stimulate interest in some of the building trades. Consensus given.

Council member Toms noted the Workforce Development Board may be able to provide some information on the topic and Council member Martinez-Rubin requested information on work force opportunities.

Mayor Salimi requested a future agenda item to consider starting the conversation for the City to become a Charter City and for consideration of a ballot measure. Consensus given.

Mayor Salimi requested a future agenda item to consider a local/community bank which would be a source of revenue for the City.

Council member Tave suggested if the Council moved forward with the request a presentation from other cities that had taken on a pilot program for local banks should be provided.

In response to Council member Martinez-Rubin, City Manager Murray confirmed the City Council had previously requested a future discussion to establish a municipal bank for Pinole. Staff had provided an assessment as part of last year's budget development process and had recommended the City Council not move forward at that time and rather wait for the completion of the recommendations for strategies from the Economic Development Consultant.

There was consensus for a presentation from cities where the establishment of a local bank had worked best.

Mayor Salimi requested a future agenda item for an update on activities from the Public Works Department's Maintenance Division. Consensus given.

Mayor Salimi referenced the Infrastructure and Investment Jobs Act and requested a future agenda item on how the funds would be distributed to the State, and asked how the City would be asking for specific demands and getting ready for funds to be distributed to Pinole. He asked that Council members representing Pinole on the various transportation boards/committees be ready to identify those needs, and staff to communicate that information to the City Council to advise when the money would be distributed. He requested a report from the Public Works Department on how the City would be positioning itself, identifying the needs and the money needed to achieve those goals for specific projects. Consensus given.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, asked for clarification since he was uncertain a formal motion had been taken for a future agenda item for a Closed Session upon the completion of Item 11A. He questioned what basis the City Council would hold a Closed Session for the Faria House since he understood that the criteria for Closed Sessions items were constrained, and the public had the right to know what would be discussed.

City Attorney Casher clarified as part of the discussion for Item 11A that no formal action had been taken and there had been no majority vote to move any particular item forward. The staff recommendation had not been approved and none of the motions had passed. There had been a request for a future agenda item for a Closed Session to discuss the Faria House and he would consult with the City Manager on the level of discussion and whether the City Council could convene for a Closed Session. That discussion would likely fall under the category of real property negotiations involving City property.

City Attorney Casher further clarified that any Closed Session item would allow for public comment prior to the City Council entering into Closed Session and the City Council would report out if there was any reportable action after the Closed Session was complete.

ACTION: Motion by Mayor Salimi/Mayor Pro Tem Murphy to extend the City Council meeting to 11:45 p.m.

Vote:	Passed	4-1
	Ayes:	Martinez-Rubin, Tave, Murphy, Salimi
	Noes:	Toms
	Abstain:	None
	Absent:	None

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

City Manager Murray provided an overview of the potential agenda items for the February 15, 2022 City Council meeting.

F. City Attorney Report

City Attorney Casher stated as previously reported the Municipal Code Update Subcommittee had recently met to discuss numerous ordinance updates.

- 13. ADJOURNMENT** to the Regular City Council Meeting of February 15, 2022 in Remembrance of Amber Swartz.

At 11:29 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of February 15, 2022 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: February 15, 2022

